

# BROKEN PROMISES

The Story of Caribbean International Teachers  
In New York City's Public Schools

ASSOCIATION OF  
INTERNATIONAL EDUCATORS



KNOWLEDGE THE  
LEADERSHIP BLACK  
COMMUNITY INSTITUTE



**This report was prepared by  
The Black Institute  
on behalf of  
The Association of International Educators (AIE)**

The Black Institute is an action-tank founded to shape intellectual discourse and dialogue and impact public policy uniquely from a Black perspective (a perspective which includes all people of color in the United States and throughout the Diaspora).

The Association of International Educators (AIE) is launching a campaign with The Black Institute. AIE is composed of international teachers recruited from countries throughout the Caribbean to work in New York City's Public Schools. The campaign's goal is to call attention to the issues concerning international teachers, and impact the public policies that dictate their fate.

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# EXECUTIVE SUMMARY

Almost a decade ago, the New York City Board of Education aggressively recruited a group of experienced teachers largely from Caribbean nations. These skilled professionals were enticed to come to the United States with the clear understanding of a number of commitments. In fact, it was the promises of New York State teacher certification, Master's degrees, housing assistance and ultimately, a pathway to permanent United States residency for themselves and their nuclear families, which prompted them to uproot themselves and their families to teach in our public schools. By and large, although many of these teachers remain in our school system, teaching our children, these promises were never kept.

These teachers have remained in our school system, teaching in license areas where there are teacher shortages, often in low-income, low-performing schools. Their experience with the immigration process has been riddled with mismanagement, saddling them with prohibitive legal fees and leaving them under constant threat of termination and deportation.

The threats of termination and deportation are real. In fact, in 2004, nearly 200 international teachers from the Caribbean received letters of termination from the Department of Education, due to the fact that their visa status was about to expire, and were informed that they would be required to return to their home countries. Fortunately, Congressman Major Owens was able to intervene and assisted most of the teachers in obtaining the paperwork necessary to remain (Appendix A). Without permanent residency, however, the possibilities of termination and deportation remain ever present in these teachers' lives.

Further, the immigration issue places these union members at a disadvantage relative to their ability to have adequate recourse in disciplinary actions. The due process rights and protections afforded international teachers, under the union contract, are not identical to those of other members. The authority of principals over both discipline and continued employment has been expanded because the DOE has given principals the power to impact international teachers' immigration status (Appendix B). As a result, a number of these teachers currently and previously faced termination without due process.

The data contained in this report has been pieced

together from a variety of sources, including articles in the press, records compiled by teachers, and interviews with individual teachers.

A full analysis of the impact of the program to recruit international teachers from the Caribbean would require a more complete set of data, including:

- Information on the full extent of recruitment;
- The number of teachers recruited each year;
- The number of teachers recruited from each country;
- The number of teachers who have received green card status;
- Cross-referenced demographic information including age, gender and level of education and certifications;
- Comparison of the conditions of Caribbean teachers to teachers recruited from European nations.

To date, the Department of Education has yet to release this requested data. It is our hope that the DOE will share this data in a timely and transparent manner; barring that, we call upon our city, state and federal governments to launch a full scale investigation.

The most immediate redress AIE seeks is at the city level. The following measures are urgently needed:

- Require that the DOE complies with the 3020-A due process procedures by centralizing the employment verification process and taking responsibility for INS documentation out of the hands of principals;
- Ensure that all certified New York City Public School teachers receive professional EB-2 work classifications on their permanent residency petitions, rather than the less skilled EB-3 classifications most Caribbean teachers have been assigned to date;
- Hold joint oversight hearings of the Education and Immigration Committees to assess the DOE's treatment of all international teachers and determine their current immigration status.

At the state level, AIE seeks support in the following forms:

- Insist that New York State Education Department resolve all certification issues for international teachers immediately;
- Call for hearings in Albany to consider the plight of international teachers statewide.

At the federal level, the AIE implores lawmakers to consider the experiences of these Caribbean teachers when formulating new immigration policy. More



# EXECUTIVE SUMMARY

specifically, the AIE is seeking:

- The creation of a special immigration classification for these teachers, enabling an expedited green card process/citizenship;
- An investigation of how international teachers are recruited throughout the country and a review of how their employment and residency is handled;
- The adoption of national standards on acceptable recruitment and treatment of international teachers, similar to the Protocol for the Recruitment of Commonwealth Teachers (Appendix C).<sup>i</sup>

Finally, the AIE calls on the international community to support teachers recruited from source countries, specifically by:

- Compiling, maintaining and providing public access to data on the number and demographics of teachers recruited;
- Advocating for the fair treatment of teachers after recruitment.





# ONE TEACHER'S STORY

"In the spring of 2001, Robert Antoine, Shep Brown, Denise Hallet and other recruiters from the Caribbean Recruitment Initiative of the New York City Department of Education came to the Caribbean to recruit teachers. We were told that this recruitment was spurred by three needs:

1. to diversify the teaching population
2. to help bolster the needs of the large student population from the Caribbean
3. to assist New York's failing school system.

Lured by financial and higher education opportunities and a path to permanent residency, not just for us, but also for our spouses and children, we accepted the challenge. Everything went well until the first wave of teachers began arriving in New York that summer. Problems began immediately with living accommodations, teaching assignments, as well as a misunderstanding of promised educational opportunities.

The Department of Education did give us some help. They helped us to acquire our Social Security card in a timely manner and assisted with the opening of accounts at various financial institutions. They even procured the services of various utility companies to visit our open house sessions to set up accounts for us – a very good gesture although useless as we were living in hotels and college dorms all over NYC and therefore had no need for some of those services.

It is said that the true strength of a man lies in how he deals with the challenges he encounters along his journey through life. Drawing upon the resilience known to those born and bred in the Caribbean, we did whatever we could at the time to overcome the odds. Some teachers chose to return home after a year or so, others opted to stay. Truthfully, there was nothing holding us here but for families with children, the promises of unlimited educational opportunities became a priority. It was hard to uproot our families for a second time.

We assimilated into the school culture and imparted skills honed in various teachers colleges, the University of the West Indies, and the classrooms of our native islands.

The Department of Education (D.O.E.) realized that test scores in many schools designated SURR (Schools Under Registration Review) had improved and so they went back to the Caribbean to increase recruitment.

In order to begin the permanent residency process, the DOE gave us a set of criteria to fulfill. A few of these criteria were:

- Pass the certification exams – a minimum of three
- Get a Masters degree
- Get permission from our respective governments to waive the two-year residency requirement
- Get a satisfactory rating from our school's principal every year.

We satisfied all of these requirements yet we are still awaiting permanent residency. As a delay tactic, the D.O.E. keeps changing their requirements. Lately they are requiring the principal to recognize our services and recommend us if they feel we should continue in the program. They claim that they are an equal opportunity employer and do not discriminate based on race, etc. yet we are discriminated against based on our immigration status.

When the DOE decided to change our visa status so we could start the process towards permanent residency, we had to pay a lot of money to clear our debts in our home country. These debts included student loans and bonds we did not complete with our governments. We had monthly payment agreements but had to make lump sum payments and early loan repayment fees so we could eventually get a waiver of residency requirements.

Legal fees had to be paid by us, the teachers, with many of us paying upwards of eight thousand US dollars so far and yet we still have to pay additional monies to renew documents in a timely manner.

Each of the issues that have affected us is egregious enough in and of themselves. Taken all together the plight of international educators has been a difficult one."

—Caribbean Teacher<sup>ii</sup>



# RECRUITMENT

International teacher recruitment is a practice that began in full force under New York City Mayor Rudolph Giuliani and the New York City Board of Education (BOE). In 2002, the newly elected Mayor Michael Bloomberg gained mayoral control of the City's schools, and the Board of Education was replaced by the Department of Education (DOE). The practice of international teacher recruitment continued under Mayor Bloomberg and the DOE.

In 2001, New York City faced a severe teacher shortage and did not offer salaries that would attract new local talent. Complicating the salary gap, the city's schools also faced a credentials gap. At the time, 17% of NYC teachers were uncertified and the state had begun a two-year phase out of all uncertified teachers. The state had previously sued the city to halt the practice of assigning uncertified teachers to high-needs schools.<sup>iii</sup> Without some intervention from the Board, this situation was primed to worsen.

Like many other cities facing teacher shortfalls, New York began a concerted effort to recruit educators from abroad, especially in critical subjects like science and math. The rising population of both English and non-English speaking immigrant students, especially from the Caribbean, presented additional incentives to recruit educators internationally.

In 2001, the Board launched a major overseas recruiting drive. Teacher recruitment increased from 53 international teachers from Austria and Germany in the 2000-2001 school year, to 725 international teachers for the following school year, including 500 teachers from the Caribbean.<sup>iv</sup> Recruitment in Caribbean countries was carried out by the Caribbean Recruitment Initiative, a program of The Center for Recruitment and Professional Development of the Board of Education.

There are conflicting accounts about whether the NYC education officials entered into agreements with the education ministries in the nations where teachers were recruited. But there is little doubt that the Board and the Department of Education (DOE) engaged in the hard sell. They advertised heavily in the local press in Jamaica and the other island nations for recruitment fairs (for a copy of one of the ads placed, see Appendix D). They were only seeking the best, the most experienced and those who

could easily be certified to teach where NYC had acute shortages.

The stories from Caribbean teachers recruited in 2001 and 2003 reveal that the teachers expected competitive salaries, housing assistance, education subsidies and a pathway to permanent residency.

Sadly, the teachers' expectations were not met, as these statements make clear:

*"In 2001, when the Board of Education did their recruitment drive, I held a diploma in Special Education and a First Degree in Psychology. I was told that as part of the incentive the Board of Education is offering me a Master's degree. That was the major factor for my accepting the invitation. Albeit, to date that has not materialized, I had to pay for my Master's degree out of my pocket."*

*"They held interviews for three days at the University of the West Indies. They employed teachers from every discipline but they focused much attention on those of us who taught Math, ELA, Spanish and Science. We were told at the interview that the DOE would pay our airfare, pay our rent for the first three months and for those people needing their Master's degrees, they said they would assume those costs as well. Everything was very nebulous from the beginning. The recruiters kept saying things that never came to fruition." — Caribbean teacher*

The City's lack of financial support for graduate courses was one of the early disappointments Caribbean teachers faced. However, NYC Teaching Fellows recruited at the same time fared far differently. In June 2003, *The New York Times* reported on the Teaching Fellows program, revealing that:

*"The school system pays about \$12,000 for each fellow to get a Master's degree in education during the first two years of teaching. And critics point out that the program provides a watered-down version of certification, since the fellows do not spend nearly as much time preparing for the job as traditional recruits." ▼*

—The New York Times



# IMMIGRATION ISSUES

Since their arrival in New York, Caribbean teachers have experienced many challenges, injustices, and frustrations. Their most pressing concerns today fall into four broad categories:

- Lack of permanent residency status
- Legal fees and concerns
- Principal control
- Family matters

Each of these issues will be addressed in more detail below.

## PERMANENT RESIDENCY

*“We are the most vulnerable group that can be gotten rid of, at their ‘whim and fancy.’ I began to see an introduction of an international teachers’ visa renewal letter. The first one began with, ‘As you well know, the H-1B visa is a temporary visa...’ Another one mentioned that if the international teacher is reassigned for any reason his/her visa would be revoked. That is to say there is no due process for the International Teacher.”*

– Caribbean teacher

Caribbean teachers hired during 2001 and 2003 recruitment drives were initially issued a J-1 “Exchange Visa”, along with verbal assurances of assistance with applications for green cards.

A J-1 Exchange Visa is valid for one year and is renewable two times, for a maximum of three years. When eligibility for the J-1 Visa ran out, teachers were advised to apply for an H1-B Visa (for an overview of visas, see Appendix E). The H1-B Visa is valid for three years and renewable once, for a maximum of six years. At the same time that teachers applied for H1-B status, they also were advised to initiate the application process to receive their green cards. Once that application had been filed, the H1-B Visa becomes renewable indefinitely in one year increments, as long as the teacher continues to be sponsored by their employer.

As many of these teachers were hired in 2001, they have reached the limit of maximum time under J-1 and H1-B status, yet they are seemingly no closer to receiving their green cards. These teachers who have relocated their families, and made New York City their homes, in order

to provide our children with an education, now face the threats of unemployment and deportation.

The process of applying for permanent residency has been fraught with difficulties. One particular problem these teachers faced with their green card applications was the professional classification the DOE assigned them. Despite being recruited specifically because they were skilled and experienced professionals, these teachers were classified as EB-3 workers, which is a designation for unskilled workers. It is more likely for a worker with a professional classification such as EB-2 to obtain permanent residency.

The stress of renewing these temporary visas has been a constant part of these teachers’ lives for as many as ten years, and the financial costs have been steep. The DOE established an International Teacher Support Unit under the then Office of Operational Support Services. The teachers were given case managers, but the bureaucracy did not keep up with the need or adequately address the loss of status and humiliation these teachers faced. These case managers have remained remote and unavailable and insist on communicating primarily through email. Often correspondence can take up to two months before a response is issued, if at all. These case managers have frequently been changed without any prior notice and appropriate transition.

While data on the exact number of international teachers recruited by the DOE in each visa category has not been made available, it is clear from individual interviews that the majority still have not received permanent residency. This is in stark contrast to internationally recruited nurses. Additionally, H1-B visas can be renewed annually if a person has a pending green card application, however, the individual worker must be sponsored by his or her employer annually and sponsorship by the employer is voluntary. With this being said, the DOE can and has sponsored individuals for eight or nine years while a green card application is pending and then refuse to continue to petition for the visa’s renewal stating that the teacher was always aware of his or her “temporary status”.<sup>vi</sup> This argument of the DOE fails because having recruited the international teachers, assisted said teachers in visa and green card application processes (through the DOE and/or their attorneys) and





# IMMIGRATION ISSUES

employed said teachers for nearly ten years in many instances, these teachers have the right to believe and rely on the DOE's continued assistance until permanent residency is achieved.

*"Unlike teachers who work in the United States on temporary visas, the vast majority of foreign-educated nurses receive green cards, and an estimated 60 percent of them become US Citizens."<sup>vii</sup>*

## LEGAL FEES AND CONCERNS

*"Sometime in November of 2004, I took all my papers and went to [the DOE attorney], who explained the procedure and had me fill in and sign the forms for the application of my labor certificate. I paid the fees that were asked of me and began the waiting process. ... Then in 2005/2006 some teachers started receiving their labor certificates. I asked [the DOE attorney] about mine. He told me he's expecting it soon. Then, he stopped answering or returning my calls. I went to his office and there was always no one there."* – Caribbean teacher

The BOE designated the Virginia-based law firm of Reed Smith to process the teachers' documents. Subsequently the teachers' files were summarily transferred to the law firm of McCandlish & Holton. Attorneys at the firms appear to have represented both the DOE and the individual teachers in these immigration matters. Some teachers had difficulty obtaining copies of their records and INS applications, being told by the attorneys that "the DOE was their client."

In fact, records from the New York City Comptroller's office show that during the three year period of July 1, 2004 through June 30<sup>th</sup> 2007, the DOE paid Reed Smith LLP \$2,997,000 for the provision of legal services (Appendix F). In addition to payments from the DOE to the law firms, individual teachers are also required to make payments (a copy of a letter outlining legal fees can be found at Appendix G).

The quality of legal representation provided by McCandlish & Holton has caused many teachers to be concerned about lack of access to real representation and about a perceived lack of confidentiality. Many teachers have reported difficulty in communicating with

their attorneys, who will often respond by email only. Periodically, the DOE sponsors legal sessions, in which attorneys provide seminars to hundreds of teachers, who then line up for their chance to speak to them about their concerns (a copy of a notice can be found at Appendix H).

Despite concerns over the quality of their representation, NYC's Caribbean teachers have paid many thousands of dollars to the DOE's designated attorneys to maintain their legal status. It is unclear which client these attorneys are representing.

In correspondence written after an international teacher was terminated for "immigration related issues" the DOE's attorneys stated that the DOE would not submit any documentation requested by the United States Citizen Immigration regarding said teachers pending application for permanent residency.<sup>viii</sup> This teacher and the vast majority of teachers recruited by the Caribbean Recruitment Initiative would not have been in the United States but for being recruited to teach by the then New York BOE. The DOE, as successor to the BOE, is clearly displaying a lack of good faith in its dealings with these international teachers. Teachers were brought to New York City to work in some of the lowest performing schools and are being left without recourse if the DOE decides not to continue to assist these teachers in the process of receiving permanent residency.

## PRINCIPAL CONTROL

*"... you MUST submit a separate letter of request from your current building Principal specifically stating his/her recommendation that the [NYC DOE] sponsor you for Permanent Residency. The letter must indicate the principal's willingness to permanently employ you."*

– Letter from NYC DOE

Far from the verbal promises given by DOE officials, this excerpt from a letter to a Trinidadian teacher places the fate of her green card squarely in the hands of her school principal. The letter directs her questions to the DOE's immigration attorneys or her case manager and makes no recognition of her eight years of service or of the fact that she was pursued, wooed and invited to join the New York City Public School teaching corps. Perhaps most disappointing, the form letter provides



# IMMIGRATION ISSUES

no acknowledgement that she had filed her petition for permanent residency more than two years before and she has been living with enduring uncertainty since then.

Indeed, teachers express a general frustration about the DOE's shifting criteria for obtaining support for permanent residency. Initially, they understood that they were required to:

1. Pass all certification exams
2. Obtain a Master's degree
3. Get a "no objection" letter from their countries of residence in order to receive a waiver of the home-bound residency requirement.
4. Receive satisfactory annual evaluations from the school principal

However, additional criteria have now been added. As one Caribbean teacher explains

*"We satisfied all of these requirements, yet we are still awaiting permanent residency. Lately they are requiring the principal to recognize our services and recommend us if they feel we should continue in the program. They claim that they are an equal opportunity employer and do not discriminate based on race, etc., yet we are discriminated against based on our immigration status."*

In one instance, attorneys for the City of New York maintained that where a teacher's visa expired by its own term on a specified date that the DOE was obligated to terminate this teacher notwithstanding the fact that the teacher was tenured because the teacher no longer possessed legal authorization to work in the United States.  
ix

The City's attorneys by this assertion failed to draw the nexus to the fact that the teacher was not granted the ability to continue to be employed in the United States because the principal in this matter refused to provide the teacher with the requisite recommendation required by the DOE and in turn the DOE refused to continue to sponsor the teachers visa while the teachers green card application was pending. But for, the principal's refusal to recommend the teacher, this teacher would still be "in status" and employed with the DOE. It is not appropriate for a principal to have the power and ability to make decisions which will affect any teacher's immigration

status. Decisions affecting an individual teacher's ability to remain in the United States are well beyond the scope of a principal's employment.

## FAMILY MATTERS

*"The promise of legal residency was made. I sacrificed my position in Jamaica as a senior teacher with 16 years of experience. I encouraged my spouse to resign his permanent job to join the family in our venture in the USA... Not having permanent status as was promised has negatively impacted my family. Having written scores of applications, my spouse is unable to get a job. On several occasions, he's been told the position is meant for U.S. citizens, or green card holders. My son could not receive financial aid because he did not have a green card. He now has a B.S. degree, and has been denied further consideration for jobs because he lacks permanent residency."* – Caribbean teacher

The teachers recruited from the Caribbean are often here with their families. They are spouses, parents and guardians. They are the breadwinners. Their opportunity to pursue the "American Dream" was also meant to create opportunities for their families. All too often, this has not come to fruition. Few teachers are willing to share the details of their domestic plights, but it is clear that the decision to teach in New York City has dealt a devastating blow to many of their families.

When talking with this group of teachers, it is apparent that their spouses' lack of status has led to many domestic issues, often a result of a perceived emasculation of the male spouses, who remain in this country unable to work. In one extreme case, a teacher who had risen to the rank of assistant principal was killed, along with her children, by her husband who then committed suicide (a copy of an article on this case can be found in the Appendix I).

Another particular concern of many families is the issue of their children "aging out." Under the current legal requirements, only children under the age of 21 are eligible for immigration benefits if their parents become permanent residents. Given the number of years these teachers have been awaiting green cards, many of them now face the sad reality that they will no longer be able to extend those benefits to their children.



# IMMIGRATION ISSUES

The following letter, from the son of a Caribbean teacher, is only one story of many like it:

*"I came to the United States nine years ago, at age 17 with my mother and my little brother. Nine years later, I'm 26 years old, and I don't have a green card. After my mother and my brother received their green cards two years ago, my mother immediately filed for me through an I-130 petition. Even though the case has been approved, USCIS has yet to produce a green card for me. The lack of the green card has taken a toll on my family. I have a condition referred to as Cerebral Palsy. CP as it is commonly referred to, is in my case, a congenital condition which I've had to bear all my life. It causes an involuntary movement of the limbs thus making both small and large motor coordination a challenge. Due to this, my mother and brother have decided to remain with me in the United States. If they return to my home country, even if for a visit, there would be no one to look after me.*

*I haven't been to my home country in five years and I haven't seen my relatives and my close friends. There's not a day that goes by that I do not long to spend time*

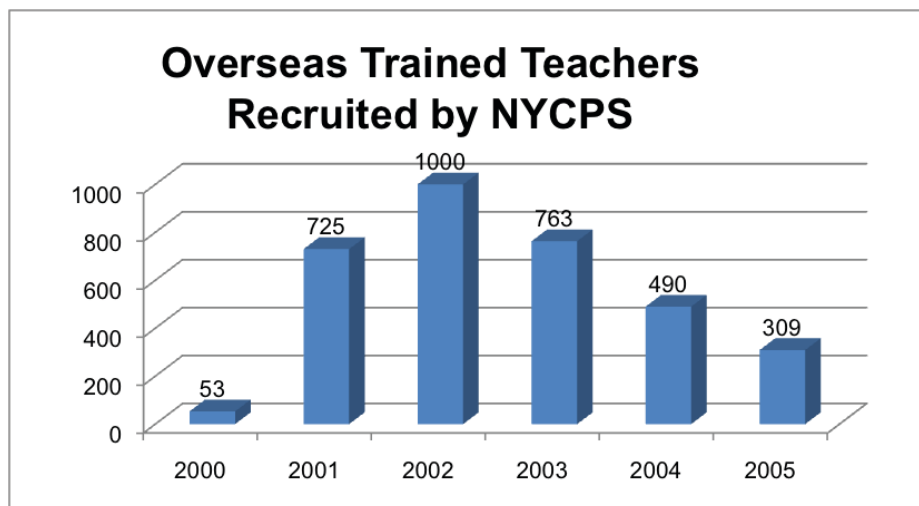
*with them. One of the things I miss the most about my country is my home. I miss sleeping in my own bedroom and spending the Christmas season and other holidays with my relatives. I have spent nine years sharing a one bedroom apartment with my mother and my brother. During these nine years, I have earned a high school diploma, a Bachelor's Degree and I am now pursuing my Master's Degree in Industrial Organizational Psychology at Brooklyn College. My mother, a teacher for the past 32 years, has embedded in me a strong determination to succeed, and has been paying for my college tuition. My younger brother is also in college.*

*Even with a Bachelor's degree, I can't get any form of employment, due to a lack of the green card. As such, I have to be maintained by my mother. Every day I log on to the USCIS website to check the status of my petition. Every day I hope that my case has been updated, and every day the longing to see my homeland weighs heavily on my mind. I miss my family very, very much. The green card is the only thing that is keeping me from Trinidad. Please help me if you can."*

—Son of a Caribbean Teacher

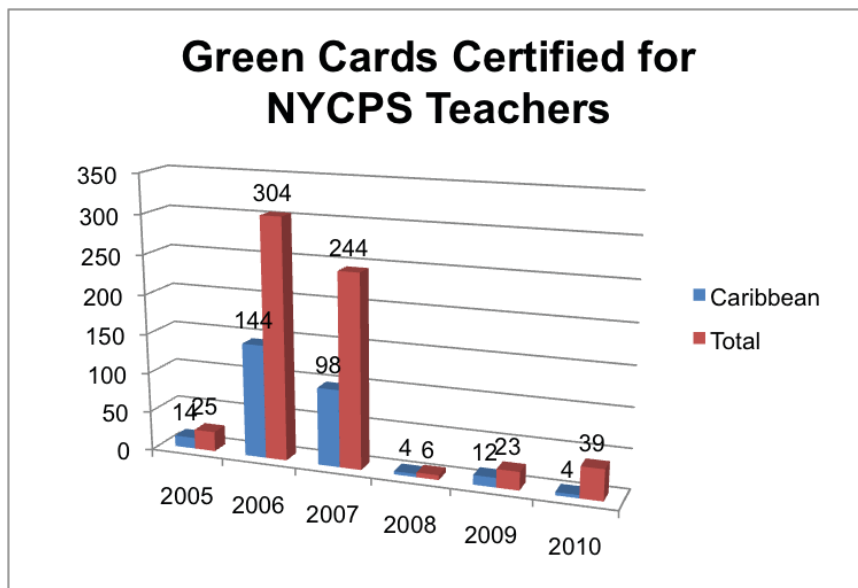


The extensive international recruitment undertaken by the DOE has had far reaching consequences. In a period of just six years, the City recruited an estimated 3,340 teachers from a wide range of countries and regions of the world. All of these educators entered on temporary visas, and all did their best to serve the needs of the students of New York.



SOURCE: Multiple\*

However, a review of the number of New York City Public School teachers who have been certified by the Department of Labor to acquire green cards over the past six years reveals that only 641 have achieved permanent residency status. This represents less than 20 percent of the total number of international recruits. Of the green cards certified, 276 went to teachers from Caribbean countries. However, this still leaves far too many educators in ambiguous legal and immigration situations. Moreover, the number of certified green cards have dropped dramatically in recent years and many certifications appear to have expired before green cards were actually issued.



SOURCE: Foreign Labor Certification Data Center

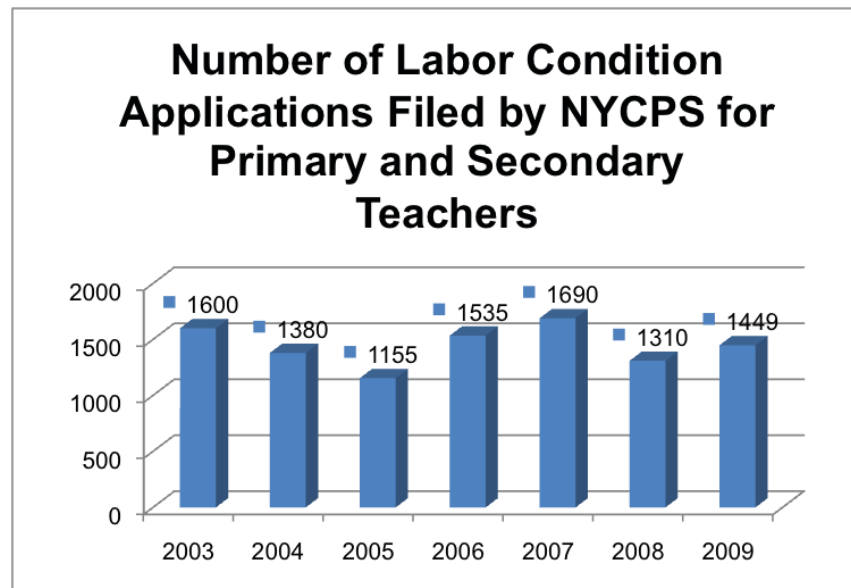




# DATA

In an attempt to gauge the DOE's more recent posture toward international recruitment, the best available indicator is the number of Labor Condition Applications they have filed with the U.S. Department of Labor.

A Labor Condition Application (LCA) filed by the employer is the first step of the H-1B visa application process. The number of LCAs filed does not represent how many H-1B teachers an employer has hired, but does represent intent and interest in hiring H-1B teachers. The Department of Labor typically certifies three times as many LCAs as H-1B visas are issued. Therefore, though this chart does not tell us how many new H-1B teachers have been hired in NYC, it does make clear that the DOE wants to keep this hiring option available. Given the high ongoing rate of LCA filing by the district, attention to the issues highlighted in this narrative becomes all the more pressing.



*SOURCE: Foreign Labor Certification Data Center*



# HISTORY

Teachers from the Caribbean have been struggling with the issues outlined in this narrative for almost ten years. While an exhaustive account of every development would not serve a useful purpose, this timeline is meant to inform the discussion and reinforce the need for immediate action.

- **April, 2001:** The NYC Board of Education airs paid advertisements on Caribbean radio announcing teacher recruitment fairs and hires 500 teachers from the region.
- **July, 2001:** Teachers are told they will be receiving J-1 Visas instead of H1-B Visas due to availability.
- **August, 2001:** Teachers arrive in New York and report to the Marriot in Manhattan for orientation and processing.
- **September, 2001:** Teachers begin teaching in their assigned schools.
- **October-December, 2002:** The DOE recruitment office advises Caribbean teachers on visa issues; specifically, they received instructions on how to continue working after the expiration of the J-1 visas.
- **February, 2003:** The DOE collects documents from teachers for State teaching certification.
- **Spring, 2003:** The DOE recommends that the Caribbean teachers use the Reed Smith law firm based in Richmond.
- **Spring, 2003:** Caribbean International Teachers (CIT) organization was established.
- **April, 2003:** The DOE launches a 2<sup>nd</sup> recruitment drive for experienced teachers in Jamaica and other Caribbean countries.
- **May-July, 2004:** Nearly 200 Caribbean teachers receive termination letters from the Board due to expired visas and lapsed immigration status.<sup>xi</sup> Congressman Major Owens intervenes on behalf of the teachers with the DOE and the U.S. Immigration and Naturalization Services, obtaining waivers enabling the teachers to extend their stay in order to complete their green card processing and New York State education certification.
- **Spring, 2005:** A delegation of CIT members went to the Mayor's office and to the Department of Education to express their concerns over their immigration issues.
- **2008-2009:** Caribbean teachers seek assistance from numerous civic and elected officials.
- **July, 2010:** The Caribbean teachers establish the Association of International Educators (AIE) to help mobilize support and open the path to permanent residency for their members.
- **September, 2010:** The DOE initiates engagement sessions with the AIE members and the attorneys from McCandlish & Holton.
- **November, 2010:** The United Federation of Teachers (UFT) files a FOIL Request with the DOE, requesting data regarding the recruitment and immigration status of international teachers (see Appendix J for a copy of this request). As of the date of this report, this FOIL has not been fulfilled.



# A BROADER CONTEXT

Two of the major issues surrounding New York City's recruitment of Caribbean teachers take place within a broader context:

- International teacher recruitment is a nationwide practice
- Black immigration to this country is steadily increasing

## NATIONWIDE INTERNATIONAL TEACHER RECRUITMENT

While the recruitment of teachers from the Caribbean to New York City's public schools is the main focus of this report, the issues faced by this group of teachers is not unique.

In 2009, the American Federation of Teachers released a report entitled "Importing Educators: Causes and Consequences of International Teacher Recruitment." This report focused on the nationwide practice of recruiting international teachers. Among their findings were the following:

- "An estimated 19,000 teachers were working in the United States on temporary visas in 2007;
- The number of overseas-trained teachers being hired in the United States is increasing steadily;
- Essential federal data for studying this trend is not available for public analysis;
- Abuses of overseas-trained teachers have been widespread and egregious."<sup>xii</sup>

International teacher recruitment is a practice engaged in by states across the nation (Appendix K). One of the most flagrant abuses of international teachers in the United States is the treatment of Filipino teachers in Louisiana. In 2007, paid recruiters for the Louisiana public school system recruited several hundred teachers from the Philippines. More than 350 of these teachers have recently filed a class-action suit against their recruiters. The lawsuit asserts that, upon arrival in the United States, their recruiters demanded they pay \$16,000 a piece in "placement fees" and confiscated their visas and passports until such payments were made.<sup>xiii</sup>

Various practices of international teacher recruitment, both in the United States and abroad, have been cause for alarm on the international level for quite some time. In 2004, the Education Ministers of the 53 member nations of the Commonwealth adopted the "Protocol for the Recruitment of Commonwealth Teachers." The members of the Commonwealth, which includes countries such as Jamaica, Guyana and Trinidad and Tobago, but not the United States, attempted to lay out a protocol for the fair treatment of international teachers in the recruiting country as well as protections of the interests of the source country. It is unclear how well this protocol has been enforced among Commonwealth countries, and since the United States is not a member, it is unclear what impact if any this has had on US recruitment.

## THE NATIONAL IMMIGRATION DEBATE

The Caribbean teachers recruited to teach in New York City's public schools represent a small handful of the total number of black immigrants in recent years. According to a report in the Population Bulletin entitled "Immigration and America's Black Population," the number of foreign-born US Blacks increased from 125,000 in 1960 to 2,815,000 in 2005, and about two-thirds of foreign born blacks are from the Caribbean and Latin America.<sup>xiv</sup>

Immigration is a hot-button topic. The national debate, however, has primarily been framed as a Latino issue and a border issue. Black immigrants who migrated here legally are often left out of the immigration dialogue. Similarly, the debate virtually ignores the skilled professionals actively recruited to our country and then left in vulnerable legal limbo.

This report shows that the immigration debate is even larger than our news media purports it to be. In order to have an informed debate on immigration in America we must discuss this topic in as holistic a manner as possible which includes persons who migrate to the United States for professional work and are left with little recourse to obtaining permanent residency.



# CONCLUSIONS, SOLUTIONS & ACTION STEPS

*“Make sure anybody who gets a graduate degree in America, from overseas, gets a green card attached to their diploma.”*

– New York City Mayor Michael Bloomberg

The case of the Caribbean teachers in New York City represents an important nexus between education and immigration reform issues. Caribbean teachers were actively recruited to fill vital positions educating students in some of the district’s neediest schools. Since their arrival, they have been provided inadequate support for their aspirations both as professionals and as migrants seeking to make new homes for themselves and their families. Despite broken promises, they remain committed to the jobs that drew them here and it is high time they are treated with the respect they so richly deserve.

The livelihood, dignity and legal status of these teachers are currently at stake. Steps must be taken immediately to achieve permanent residency for these fully-certified, experienced educators. The AIE is calling upon elected officials and other stakeholders to take all necessary action at the city, state and federal level to ensure that our schools do not lose any more of these talented Caribbean teachers and that their families can continue to enrich the fabric of our cosmopolitan city.

The most immediate redress AIE seeks is at the city level. The following measures are urgently needed:

- Require that the DOE complies with the 3020-A due process procedures by centralizing the employment verification process and taking responsibility for INS documentation out of the hands of principals;
- Ensure that all certified NYCPS teachers receive professional EB-2 work classifications on their permanent residency petitions, rather than the less skilled EB-3 classifications the Caribbean teachers have been assigned to date;

- Hold joint oversight hearings of the Education and Immigration Committees to assess the DOE’s treatment of all international teachers and determine their current immigration status.

At the state level, AIE seeks support in the following forms:

- Insist that New York State Education Department resolve all certification issues for international teachers immediately;
- Call for hearings in Albany to consider the plight of international teachers statewide.

At the federal level, the AIE implores lawmakers to consider the experiences of these Caribbean teachers when formulating new immigration policy. More specifically, AIE is seeking:

- The creation of a special immigration classification for these teachers, enabling an expedited green card process/citizenship;
- An investigation of how international teachers are recruited throughout the country and a review of how their employment and residency is handled;
- The adoption of national standards on acceptable recruitment and treatment of international teachers, similar to the Protocol for the Recruitment of Commonwealth Teachers (Appendix C).<sup>xvii</sup>

Finally, the AIE calls on the international community to support teachers recruited from source countries, specifically by:

- Compiling, maintaining and providing public access to data on the number and demographics of teachers recruited;
- Advocating for the fair treatment of teachers after recruitment.



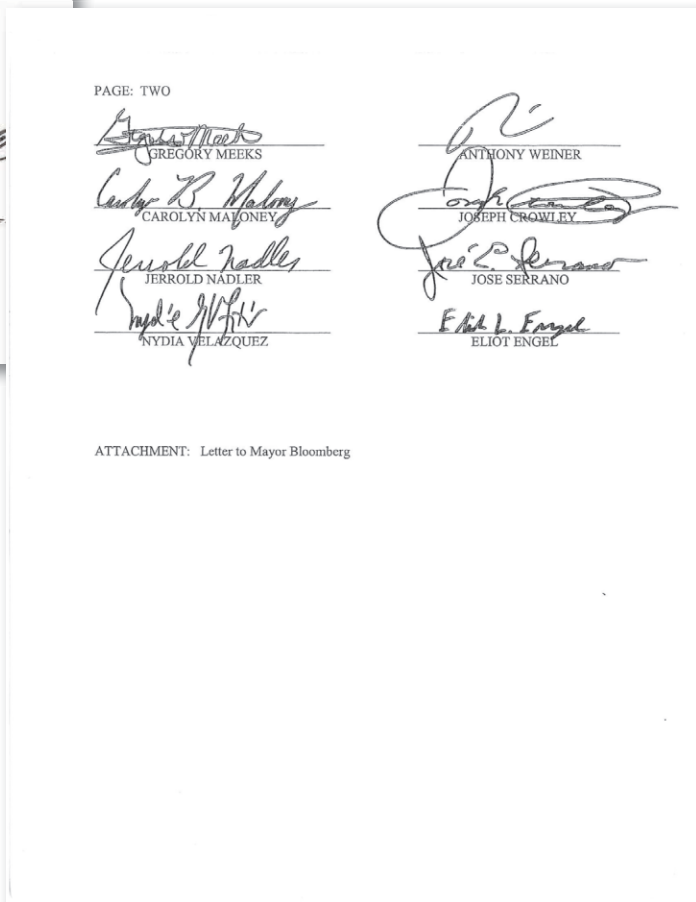
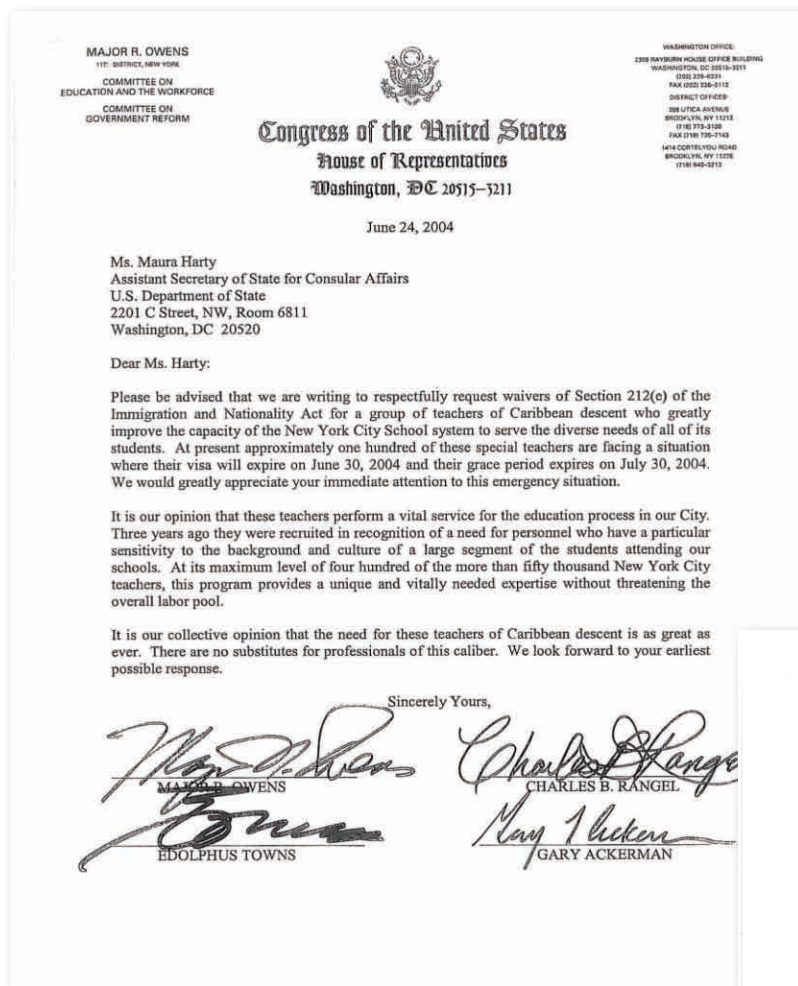


# ENDNOTES

- i. "Protocol for the Recruitment of Commonwealth Teachers." [http://www.thecommonwealth.org/shared\\_asp\\_files/GFSR.asp?NodeID=39311](http://www.thecommonwealth.org/shared_asp_files/GFSR.asp?NodeID=39311)
- ii. Due to their vulnerable legal and work status, Caribbean teachers quoted throughout this report prefer to remain anonymous.
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- vii. "Importing Educators: Causes and Consequences of International Teacher Recruitment." American Federation of Teachers, 2009.
- viii. Cited from a pending case file which due to case sensitivity cannot be cited further.
- ix. Cited from a pending case file which due to case sensitivity cannot be cited further.
- x. Best, Tony. "Caribbean teachers out in the cold in NYC's recruiting." New York Community Media Alliance. Caribbean News, 20 Sept. 2005.
- xi. Campanile, Carl. "Recruits Pass Test: Teachers Tough Out a Torturous 1st Semester." The New York Post 16 June 2004.
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# APPENDIX A



# APPENDIX B



Peter Ianniello  
Deputy Executive Director  
Operational Support Services

65 Court Street  
Brooklyn, NY 11201

+1 718 835 4435 tel  
+1 718 835 3555 fax

September 3, 2010

Dear

As you are aware, employment under an H-1B visa is temporary. Each year, as the employer, we conduct a review of all international teachers. Since your current H-1B visa will expire between January and March, 2011, you must complete the enclosed Personal Data Sheet and submit this form along with a letter of support from your current building Principal to continue employment with The Department of Education. This letter is required even if your current visa expired during the school year 2009-2010 and a letter was submitted for that renewal. This original letter must be hand-delivered or mailed with the principal's signature. This letter must specifically state his/her recommendation that the NYC Department of Education should continue to sponsor your visa renewal. The Principal may also comment on your performance and indicate his/her expectation that you will continue your service at the same school for the next school year.

The letter mentioned above along with the data sheet must be submitted to:

NYC Department of Education  
International Teacher Support Unit  
65 Court Street - Room 506B  
Brooklyn, NY 11201  
**ATTN: VISA RENEWAL**

Following a review of your information, the immigration attorneys' office will be notified of your eligibility to extend your H-1B visa and you will be contacted by e-mail regarding the visa renewal process.

In order to process your visa renewal in a timely manner and to avoid any interruption of employment, we are asking you to submit the required documents no later than Friday, October 22, 2010.

**Time Extension:** To maintain a valid teaching certificate it is imperative that you check the expiration date on your Provisional or Initial Certificate issued by The New York State Education Department. If your certificate expired on August 31, 2010, you must apply for a Time Extension immediately at [www.highered.nysed.gov/tcert](http://www.highered.nysed.gov/tcert). Otherwise, you will need to apply no later than six (6) months prior to the expiration date.

**APPLICATION FOR A GREEN CARD:** If you have completed two years of service with the New York City Department of Education and have not yet begun an application for permanent residence ("green card"), you **MUST** submit a separate letter of request from your current building Principal specifically stating his/her recommendation that the New York City Department of Education sponsor you for Permanent Residency. The letter must indicate the principal's willingness to permanently employ you. Upon our determination of your eligibility, we will notify our immigration attorneys: Helen Konrad at [HKonrad@lawmh.com](mailto:HKonrad@lawmh.com) or Mark Rhoads at [MRhoads@lawmh.com](mailto:MRhoads@lawmh.com) to begin the green card process. Time extensions on your current teaching certificate would be affected by the timing of the initiation of this process.

If you have any questions regarding the above information, please contact this office or your case manager.

Sincerely,

*Lucille Ameduri*

Lucille Ameduri  
Director  
International Teacher Support Unit

Enclosure (1)



# APPENDIX C

## Commonwealth Teacher Recruitment Protocol

Adopted By Ministers of Education at Stoke Rochford Hall Conference Centre,  
Lincolnshire, United Kingdom  
September 1st, 2004

### 1. DEFINITIONS

**Recruited teacher:** a teacher who is recruited for service in a country other than his/ her own.

**Recruiting country:** the country that is seeking to recruit, or succeeds in recruiting, teachers from other countries.

**Recruiting business/agency:** a business/agency that recruits teachers in one country (source country) for service in another (recruiting country).

**Source country:** the country from which teachers are recruited for service abroad.

**Organised recruitment:** a systematic targeted recruitment programme of teachers from another country.

**Clearance certificates:** A document from the appropriate authority of the source country that states that the recruited teacher has given the required notice and has complied with the terms and conditions of his/her contract of employment.

### 2. INTRODUCTION

#### 2.1 Background

2.1.1 For some time now a number of Commonwealth member countries have been deeply concerned at the loss of scarce professionals as a result of targeted recruitment programmes, a problem that has caused particular difficulties for small states. Such concerns, affecting the health and education sectors among others, have been voiced at Ministerial meetings and in the case of health have resulted in the Commonwealth Code of Practice for the International Recruitment of Health Workers, endorsed by Ministers of Health in May 2003.

2.1.2. Ministers are conscious of the potential opportunities for countries that are available through a structured and well-managed programme of teacher exchanges and of trade in skills. It is acknowledged that recruited teacher mobility has great value. It can benefit individual teachers in their professional development as well as strengthen and enrich education systems.

2.1.3 However the recruitment of teachers must not be to the detriment of national education systems.

2.1.5 Ministers of Education at the 15th Conference of Commonwealth Education Ministers held in Edinburgh, Scotland, from October 27th – 30th, 2003 discussed the critical issues of international teacher recruitment and viewed it as one of the most urgent issues to be addressed in “closing the gap”. They

affirmed the unique value of the Commonwealth recognizing that it is ideally placed to share expertise, resources and best practices in education as a vital component of attaining the individual and collective goals for their countries and they established a Working Group on Teacher Recruitment under the chairmanship of Deputy Secretary-General Winston Cox.

2.1.6 The Working Group was asked to have a clear focus on the organised recruitment of teachers in the Commonwealth, taking into consideration, where relevant the related issues of teacher mobility, retention and development. The brief of the Working Group is to:

- develop appropriate and ethical codes of conduct;
- report to all Ministers by the end of April 2004; and
- finalise the document with a Ministerial Group by September 2004.

#### 2.2 The Working Group

2.2.1 The countries represented at official level on the Working Group are Barbados, India, Jamaica, Lesotho, Mauritius, Nigeria, Papua New Guinea, St. Lucia, Seychelles, South Africa, United Kingdom, and Zambia.

2.2.2 The following Commonwealth Civil Society and professional organisations are permanent observers of the group: The Commonwealth Teachers Grouping, The Commonwealth Consortium for Education and the Centre for Comparative Education Research, University of Nottingham.

2.2.3 The following Commonwealth Civil Society and professional organisations are permanent observers of the group: The Commonwealth Teachers Grouping, The Commonwealth Consortium for Education and the Centre for Comparative Education Research, University of Nottingham.

2.2.4 At the first meeting of the Working Group in Maseru, Lesotho on 23rd to 24th February 2004 the Terms of Reference were finalized and members were brought up to date on recent developments that had taken place to improve teacher retention and recruitment practice, an initial draft document was prepared for circulation.

#### 2.3 Purpose of the Protocol

2.3.1 This Protocol aims to balance the rights of teachers to migrate internationally, on a temporary or permanent basis, against the need to protect the integrity of national education systems, and to prevent the exploitation of the scarce human resources of poor countries. The Protocol also seeks to safeguard the rights of re-





# APPENDIX C

cruited teachers and the conditions relating to their service in the recruiting country.

- 2.3.2 In doing so, the Protocol seeks to promote the positive benefits which international teacher migration can bring and to facilitate the sharing of the common wealth of human resources that reside within the Commonwealth.
- 2.3.3 This document is similar in terms of purpose, content and status to the Commonwealth Code of Practice for health professionals. It holds moral authority on the matters it addresses. Within the context of the Commonwealth principles of co-operation and consensus, and within the framework of relevant international and other agreements, governments will subscribe to the Protocol and implement it, maintaining the integrity of their national education systems.
- 2.3.4 Although this Protocol does not hold any legal authority all the member countries are encouraged to develop such regulations and legislation that are necessary to meet the commitments of this Protocol.

## 3. RIGHTS AND RESPONSIBILITIES OF RECRUITING COUNTRIES

- 3.1 It is the responsibility of the authorities in recruiting countries to manage domestic teacher supply and demand in a manner that limits the need for resort to organised recruitment in order to meet the normal demand for teachers. At the same time the right of any country to recruit teachers from wherever these may be obtained is recognised.
- 3.2 It is recognised that the organised recruitment of teachers may be detrimental to the education systems of source countries, and to the costly human resource investments they have made in teacher education. Recruiting and source countries should agree on mutually acceptable measures to mitigate any harmful impact of such recruitment. Where requested by source countries, recruiting and source countries shall enter into bi-lateral discussions and make every effort to reach an agreement which will provide for such measures. Consideration will be given to forms of assistance such as technical support for institutional strengthening, specific programmes for recruited teachers, and capacity building to increase the output of trained teachers in source countries.

### Acceptable Recruiting Processes

- 3.3 Recruiting countries shall make every effort to ensure that departure of recruited teachers is avoided during the course of the academic year of the source country, to prevent the disruption of teaching programmes.
- 3.4 A recruiting country provide to a source country, all relevant information regarding the status of teachers recruited. This information should also be made available, without prejudice, to the Commonwealth Secretariat for monitoring purposes. Where such information is not available, Commonwealth countries are

encouraged to develop mechanisms for this purpose.

- 3.5 Where required by source countries, recruiting countries shall make every effort to obtain a clearance certificate from a source country prior to any contract of employment being signed, and this shall not be unreasonably withheld.
- 3.6 A recruiting country should ensure the establishment of a complaints mechanism and procedure in regard to recruitment to be made known to the teacher at the start of the process.
- 3.7 The government of any country which makes use of the services of a recruiting agency, directly or otherwise, shall develop and maintain a quality assurance system to ensure adherence to this Protocol and fair labour practices. The recruiting countries should ensure compliance. Where agencies do not adhere, they will be removed from the list of approved agencies.
- 3.8 The recruiting agency has an obligation to contact the intended source country in advance, and notify it of the agency's intentions. Recruiting countries will inform recruiting agencies of this obligation. Recruiting countries should inform source countries of any organised recruitment of teachers.
- 3.9 Prior agreement should be reached between the recruitment agency and the government of the source country, regarding means of recruitment, numbers, and adherence to the labour laws of the source country. Recruitment should be free from unfair discrimination and from any dishonest or misleading information, especially in regard to gender exploitation.

### Employment Conditions for Recruited Teachers

- 3.10 Wherever appointed, recruited teachers shall enjoy employment conditions not less than those of nationals of similar status and occupying similar positions. The recruiting countries should also provide dedicated programmes to enable such teachers to achieve fully qualified status in accordance with any domestic requirements of the recruiting country. The recruited teacher is bound and subject to rules of national labour law and is also governed by any legislation or administrative rules relating to permission to work and suitability to work with children in the recruiting country.
- 3.11 Further, where a complaints mechanism and procedure in relation to teachers' contracts of employment does not already exist in national legislation or administrative provision, one should be established for the purpose. The recruiting agency shall inform recruited teachers of the names and contact details of all teachers unions in recruiting countries.
- 3.12 Recruited teachers should be employed by a school or educational authority. Only schools and education authorities should obtain work permits to enable the employment of recruited teachers.
- 3.13 A recruiting country shall ensure that the newly recruited teachers are provided with adequate orientation and induction programmes, including cultural adjustment programmes, with a focus on the school and its environment.



# APPENDIX C

- 3.14 As a targeted and responsive mode of reciprocation, bilateral agreements will provide for specific professional development opportunities or experiences for recruited teachers, who are about to return to the country of origin after a fixed term.

## 4. RIGHTS AND RESPONSIBILITIES OF SOURCE COUNTRIES

- 4.1 It is the responsibility of source countries to manage teacher supply and demand within the country, and in the context of organised recruitment. The country should have effective strategies to improve the attractiveness of teaching as a profession, and to ensure the recruitment and retention of qualified teachers in areas of strategic importance. Source countries should be advised of the necessity to establish policy frameworks which set out clear guidelines as to categories of teachers whose recruitment they will not support, in order to protect their most scarce resources.

Any country has the right to be informed of any organised recruitment of its teachers by or on behalf of other countries. There will be some circumstances in which a country may not be able to support the release of its teachers. If a country decides to refuse any organised recruitment, the recruiting country should be informed of such a decision. In these circumstances, at the request of the recruiting country, bilateral discussions should be held through which both countries should endeavour to reach agreement on recruitment. If agreement cannot be reached countries have the right to determine their own position in regard to the organized recruitment of teachers.

- 4.4 The source country shall endeavour to respond to requests for approval to recruit within 30 days.
- 4.5 The source country should include within its terms and conditions of service for teachers, if not already in place, provisions that relate to release of teachers under international exchange and organised teacher recruitment arrangements, and to their re-integration into the source-country education system on their return from abroad.

## 5. RIGHTS AND RESPONSIBILITIES OF THE RECRUITED TEACHER

- 5.1 The recruited teacher has the right to transparency and full information regarding the contract of appointment. The minimum required information (see Appendix 1) includes information regarding complaints procedures.
- 5.2 Recruited teachers are in turn expected to show transparency in all dealings with their current and prospective employers, and to give adequate notice of resignation or requests for leave. Teachers also have a responsibility to inform themselves regarding all terms and conditions of current and future contracts of employment, and to comply with these.

## 6. MONITORING AND EVALUATION

- 6.1 The Commonwealth Secretariat should monitor the status of organized recruitment of teachers, including numbers, recruitment practices and effects, and evaluate the application of this Protocol, including the impact on developing countries, and report to Conferences of Commonwealth of Education Ministers.
- 6.2 Education Ministers should undertake a regular review of the operation of the Protocol commencing at the 16CCEM. The review should be informed by effective monitoring undertaken by education ministries in consultation with all stakeholders including the teacher unions and coordinated across the different regions of the Commonwealth.
- 6.3 Appendices 2, 3 and 4 illustrate obligations contained in international instruments for information purposes. Appendix 5 refers to the Dakar framework adopted by the World Education Forum 2000.

## 7. FUTURE ACTION

- 7.1 Consistent with the terms of this Protocol Ministers commit to establishing a working group to identify how teachers across the Commonwealth can have greater access to teaching in other Commonwealth countries as a significant continuing professional development activity. The working group should include appropriate permanent observers from professional organisations and civil society.
- 7.2 Education Ministers request the secretariat to establish a working group to develop systems and criteria to assess equivalences of teacher qualifications and of professional registration status, where applicable, across the Commonwealth.
- 7.3 In order to fully understand the scale of teacher mobility within the Commonwealth, it is suggested that a comprehensive study of such teacher flows is undertaken. This should include both organised teacher recruitment and the more informal modes of teacher migration. This study would complement and develop the work which has been completed by the Commonwealth Secretariat and is currently being undertaken by the University of Nottingham.
- 7.4 The Commonwealth, shall in collaboration with international organizations such as the ILO and UNESCO, seek to promote this protocol as an international standard of best practice in organised teacher recruitment.

## APPENDIX 1

Minimum information to be provided in the course of recruitment prior to finalisation of any contract:

- Name and location of the school where the teacher is to serve
- Brief description of the school
- Accommodation arrangements for the teacher and cost implications
- Transport arrangements and responsibility for transport costs
- Work permit requirements and procedures



# APPENDIX C

- Clarity about terms and conditions of employment, including any deductions (for tax, insurance, superannuation or other purposes) from the gross salary offered; and rights of access of the employed teacher to social services and welfare benefits of the host country.
- Any provisions affecting the right of the teacher to be accompanied abroad by a spouse and dependants, including any assistance and allowances offered therewith, rights of spouse to work in the recruiting country, and access of dependants to education and other services.
- Regulations governing repatriation of earnings and other benefits.

## APPENDIX 2

### ARTICLES 13, 26 AND 29 OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

#### Article 13

1. The States Parties to the present Covenant recognise the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. the States Parties to the present covenant recognise that, with a view to achieving the full realization of this right:
  - (a) primary education shall be compulsory and available free to all;
  - (b) secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.

## APPENDIX 3

### ARTICLE 26 OF THE UNIVERSAL DECLARATION ON HUMAN RIGHTS

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

## APPENDIX 4

### ARTICLE 29 OF THE CONVENTION OF THE RIGHTS OF THE CHILD

1. States parties agree that the education of the child shall be directed to:
  - (a) the development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations
  - (c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.
  - (d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) the development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

## APPENDIX 5

### EDUCATION FOR ALL COMMITMENTS – DAKAR 2000

- Expanding and improving comprehensive early childhood care and education, especially for the most vulnerable and disadvantaged children.
- Ensuring that by 2015 all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities, have access to and complete free and compulsory primary education of good quality.
- Ensuring that the learning needs of all young people and adults are met through equitable access to appropriate learning and life skills programmes.
- Achieving a 50 percent improvement in levels of adult literacy by 2015, especially for women, and equitable access to basic and continuing education for all adults.
- Eliminating gender disparities in primary and secondary education by 2015, with a focus on ensuring girls' full and equal access to and achievement in basic education of good quality.
- Improving all aspects of the quality of education and ensuring excellence of all so that recognized and measurable learning outcomes are achieved by all, especially in literacy, numeracy and essential life skills.





# APPENDIX D

## RECRUITMENT AD IN SUNDAY EXPRESS

### Employment Opportunities

Experience in marketing or relevant field would be an asset

Please Send Resumes To:  
**PURCHASING ASSISTANT,  
G.M. ADVERTISING LTD,  
7 RAILWAY ROAD,  
SAN JUAN**

Deadline Date: 20th April 2001

Unsuitable Applications Would Not Be Acknowledged

### VACANCY OPERATIONS MANAGER

The incumbent must be flexible, thorough and able to work in a dynamic pace environment. The individual must be results oriented, a team player with strong interpersonal and communication skills (verbal and written). The individual would be reporting directly to the Managing Director.

#### REQUIREMENTS:

- Degree in Mechanical Engineering
- Five years working experience
- Applicants must be 35 - 40 years old
- Experience in Safety Management and Quality Control

#### SEND RESUME TO:

**SMI INDUSTRIES LIMITED**  
Bholai Trace,  
Chase Village Industrial Estate.

No later than the 18th April 2001.

Unsuitable applicants will not be acknowledged.

**Public FORUM** Let the people talk  
Daily Mondays Express

## Wizards end six-game losing streak by beating the Magic

### Teach in

New York City!

### Caribbean Teachers Needed for the 2001-2002 School Year

**ELIGIBILITY:** Applicants should possess a 4 year bachelor's degree and a valid Teaching Certificate and have a minimum of five years of full-time teaching experience.

#### April 2001 Recruitment Sessions

**BARBADOS:** Sherbourne Centre, St. Michael

April 16th 9 a.m. - 4 p.m. April 18th 9 a.m. & 2 p.m. April 20th 9 a.m.

**TRINIDAD:** Hilton Conference Centre, Port of Spain

April 21st 9 a.m. & 2 p.m. and April 22nd 9 a.m. & 2 p.m.

#### Required Documentation

Applicants are required to provide photocopies of the following documents:

- Original University transcripts that show coursework and that a degree was conferred
- Valid Teaching Certificate
- Ministry of Education letter indicating good standing and work history
- Resumes on company letter
- Two passport size photos
- A letter of good conduct from police authorities

FOR MORE GENERAL INFORMATION ABOUT NEW YORK CITY PUBLIC SCHOOLS,

VISIT: [WWW.TEACHNY.COM](http://WWW.TEACHNY.COM)

OR CALL 1-800-TEACHNY (800-832-2469) or FAX: 718-935-4854

An Affirmative Action/Equal Opportunity Employer



New York City  
Board of Education





## Visas for Teachers, At A Glance

### H-1B "WORK" VISA

#### Who is eligible?

- professionals with "a body of highly specialized knowledge along with at least a bachelor's degree" who are neither citizens nor residents of the United States and wish to work in the United States

#### Who applies?

- employers apply on behalf of professionals

#### What is the duration?

- Visa is valid for three years and is renewable once (maximum of six years of validity)

#### What requirements must be met for the Labor Condition Application to be approved?

- employers must pay H-1B workers either the prevailing wage or the actual wage, whichever is higher
- the bargaining agent must be notified (more information on LCAs at [http://www.dol.gov/dol/allcfr/eta/title\\_20/Part\\_655/20CFR655.730.htm](http://www.dol.gov/dol/allcfr/eta/title_20/Part_655/20CFR655.730.htm))

#### Can the employee apply for Permanent Residence to the United States upon arrival?

- Yes

#### Can the employee bring family?

- Yes. The visa required is the H-4.

#### Which agency oversees the H-1B visa program?

- The U.S. Department of Labor <http://www.dol.gov/compliance/guide/h1b.htm>

### J-1 "EXCHANGE" VISA

#### Who is eligible?

- Primary or secondary teachers who have a minimum of three years teaching experience, satisfy the standards of their state and are neither citizens nor residents of the United States wishing to work in the United States

#### Who applies?

- professionals, along with an eligible J-1 sponsor (for a list of sponsors, visit <http://eca.state.gov/jexchanges/index.cfm?fuseaction=record.list&cat=13>)

#### What is the duration?

- Visa is valid for one year and is renewable two times (maximum of three years of validity)

#### What requirements must be met for the J-1 visa to be approved?

- employees must be a primary or secondary teacher and must have significant ties to their country of origin (more information at [http://www.hooyou.com/j-1/j1\\_j2\\_visa\\_faq.html](http://www.hooyou.com/j-1/j1_j2_visa_faq.html))

#### Can the employee apply for Permanent Residence to the United States upon arrival?

- Yes, although some source countries require a return residency period.

#### Can the employee bring family?

- Yes. The visa required is the J-2.

#### Which agency oversees the J-1 visa program?

- The U.S. Department of State [http://travel.state.gov/visa/temp/types/types\\_1267.html](http://travel.state.gov/visa/temp/types/types_1267.html)



PAYMENT TO REED SMITH

VENDOR	AGENCY	CONTRACT NUMBER	AMOUNT	START DATE	END DATE	RECEIVED DATE	PURPOSE	CONTRACT TYPE
REED SMITH LLP	DEPT OF EDUCATION	20059501083	2997000	7/1/2004	6/30/2007	7/20/2005	THE PROVISION OF LEGAL SERVICES	REQUIREMENT CONTRACT BOE

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\*\*\*Please consider the environment before printing this email.\*\*\*



# APPENDIX G

ReedSmith

Helen L. Konrad  
Direct Phone: 804-344-3411  
Email: hkonrad@reedsmith.com

Riverfront Plaza - West Tower  
901 East Byrd Street, Suite 1700  
Richmond, VA 23219-4068  
804.344.3400  
Fax 804.344.3410

June 15, 2004

Re: Immigration Engagement Letter for Labor Certification Green Card

Dear \_\_\_\_\_:

Thank you for retaining Reed Smith LLP to assist you with your immigration matters. You have engaged this firm to assist you with a Labor Certification Green Card. Of course, we cannot guarantee you a successful outcome, nor can we guarantee how long your cases will take to complete. All immigration decisions ultimately rest with the United States Government and circumstances may exist that are beyond our control which cause the application to be delayed or denied despite our best efforts. However, we have had excellent success in these kinds of cases.

The fee for our legal services is \$3000 and is payable in two installments: \$1500 up front and \$1500 after approval of the labor certification, prior to filing the I-140 and I-485 adjustment of status. If you are unable to pay the initial payment of \$1500, please contact our office to set up a monthly payment plan. There is an additional legal fee of \$250 for each family member that should be included in the application. The legal fees for family members would not be due until the labor certification is approved.

The legal fees quoted above do not include any appeal of your case (if necessary). Also, we need to appear at a CIS interview for adjustment of status or to a foreign consulate, separate fees will be charged for this service. In nearly all cases, we have found that no personal appearance by the attorney is required.

Our ability to act promptly on your behalf is in large part dependent upon your cooperation. From time to time, we will require that you provide certain information about you, your family and/or employment in order to proceed. Your prompt attention to our requests will increase the

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June 9, 2004 2:07 PM

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ReedSmith

speed with which this case is completed, and your involvement is essential to the success of our efforts.

If your address, telephone number or employment status changes, or if any other circumstances change which may be relevant to this case, we need to be advised promptly. It is very important that any applicant or beneficiary not travel outside the United States without first advising our office of your travel plans. Any changes in employment plans must also be reviewed in advance by this office.

I look forward to assisting you in these matters.

Sincerely,  
Reed Smith LLP

Helen L. Konrad

Check must be payable to Reed Smith LLP. Please sign one on the payment options below:

I have read this letter in its entirety and agree to the terms of representation outlined herein. I have also enclosed a check in the amount of \$1500 for the labor certification.

Date: \_\_\_\_\_

I have read this letter in its entirety and agree to the terms of representation outlined herein. I have also enclosed a check in the amount of \$\_\_\_\_\_ as my first monthly installment towards the \$1500 fee for labor certification. I will pay a monthly installment of \$\_\_\_\_\_ (\$250 minimum).

Date: \_\_\_\_\_



JOEL I. KLEIN, *Chancellor*

DIVISION OF HUMAN RESOURCES  
CENTER FOR RECRUITMENT AND PROFESSIONAL DEVELOPMENT  
65 Court Street – Brooklyn, NY 11201

Dear International Teacher,

On behalf of the Center for Recruitment and Professional Development, I take this opportunity to acknowledge your second year of participation in the J-1 Exchange Visitor Program and service as a teacher in the New York City public school system.

We realize many of you may have questions and concerns about your current J-1 visa status and continued stay in the United States. In this regard, I invite you to **join us on Wednesday, October 16, 2002 from 4:00 p.m. to 6:00 p.m.** for an informational discussion with Helen Konrad and Mark Rhoads, immigration attorneys for the New York City Department of Education. They will address a host of issues including, two-year residency requirements, (where applicable), eligibility for changing to H-1B visa status and the family/dependents immigration process.

In addition, Department staff will be on hand to provide counseling related to the completion of state certification requirements. Please mark your calendar for:

**DATE:** Wednesday, October 16, 2002  
**TIME:** 4:00 p.m. – 6:00 p.m.  
**PLACE:** Brooklyn High School of the Arts – Auditorium  
 345 Dean Street (between 3<sup>rd</sup> and 4<sup>th</sup> Avenue)  
 Brooklyn, New York 11217

I hope your schedule permits you to attend this important event. I look forward to your participation.

Sincerely,

Brenda N. Steele  
Deputy Superintendent



## Jamaica Gleaner

Published: Thursday 1 February 25, 2010

[Home : Lead Stories](#)

### New York family tragedy rocks Ulster Spring

Glenroy Sinclair, Assignment Coordinator

**A pall of gloom is hanging over the small farming community of Ulster Spring in Trelawny, following the tragic deaths of Jamaican educator, Dionne Coy Bailey, and her two daughters, who were killed this week by her husband in a murder-suicide.**

The bizarre incident took place on Monday at the couple's home in the upscale Springfield community of Queens, New York.

Reports are that the 42-year-old educator and her daughters, 19-year-old Yanique and 14-year-old Yolon, were shot in their heads as they slept.

The father and husband, Mark Andrew Bailey, who was a 42-year-old bus driver, later turned a semi-automatic pistol to his head and killed himself. It is alleged that he used a shotgun to wipe out his family. Bailey left a note explaining how much he was sorry.

"My mother, myself and my niece woke up crying this morning. We still just can't believe what happen," Mrs Bailey's sister, Sandra Nibbs, told **The Gleaner** yesterday.

"We are taking it very hard. The three of us, including our mother, Linda Coy, had to be taken to the hospital. I have since fainted at work."

Angela Brooks, another of Mrs Bailey's sisters who lives in New York, told **The New York Post** , "I don't know what's the problem, I have no idea, I don't know, I don't know."

#### Daily carpool

A report in **The New York Post** stated that when Mrs Bailey did not answer the doorbell for her daily carpool, her sister and brother-in-law pried open a bedroom window. They went in and discovered the bodies. The police, who were immediately alerted, later found Bailey's body slumped over the kitchen table.

Prior to leaving Jamaica, Bailey was employed to the Jamaica Broadcasting Corporation. He is originally from Kingston, while his wife of 20 years is from Trelawny.

According to Nibbs, Mrs Bailey migrated about 10 years ago, during the period when authorities in the United States were recruiting teachers from Jamaica. She got through and took her family with her.

At the time of her death, she was an assistant principal at Philip Randolph High School in Queens.





# APPENDIX J

FILE COPY



**United  
Federation  
of Teachers**

52 Broadway  
New York, NY 10004  
212-777-7500  
www.uft.org

Officers:  
Michael Mulgrew  
President

Michael Mendel  
Secretary

Neil Abramson  
Treasurer

Ruben Asimowicz  
Assistant Secretary

Maria Roman  
Assistant Treasurer

Vice Presidents:  
Karen Alford

Carmen Alvarez

Leo Casey

Richard Finkas

Armand Gortale

Stirling Robinson

November 19, 2010

Central Records Access Officer  
Office of Legal Services  
New York City Department of Education  
52 Chambers Street, Room 308  
New York, NY 10007

**Re: FOIL Request**


To Whom It May Concern:

Pursuant to the New York Freedom of Information Law ("FOIL"), Public Officers Law § 84 *et seq.* and Chancellor's Regulation D-110, I hereby Pursuant to the New York Freedom of Information Law ("FOIL"), Public Officers Law § 84 *et seq.* and Chancellor's Regulation D-110, I hereby request the following information regarding each teacher employed by the Board of Education of the City School District of the City of New York ("BOE") who was not a citizen or lawful permanent resident of the United States at the time he/she was first employed by the BOE:

1. the teacher's country of origin;
2. the type of visa by which the teacher is permitted to work for the BOE;
3. the teacher's current immigration status; and
4. the teacher's current certification status.

Please note that this is not a request for the names, addresses or other identifying information of any teacher.

Please contact me at the telephone number or e-mail address above to notify me of the appropriate time during normal business hours that I may inspect the requested records. After conducting an inspection, I may decide to purchase copies of the entire records requested or portions thereof. Further, please contact me so that we may discuss whether

 UNION OF PROFESSIONALS

By Certified Mail

Adam S. Ross  
Direct Dial: 212-701-9420  
ARoss@uft.org

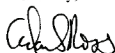
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it would be possible to obtain electronic copies (e-mail or CD) of the requested records and the cost, if any, of doing so. I understand that if electronic copies cannot be provided, the fees set forth in Chancellor's Regulation D-110, § VI apply to this request. I am available at your convenience to discuss the form of payment.

If you believe the above request is overly broad or does not reasonably describe the records requested, please inform me of the manner in which records are filed, retrieved or generated and contact me so that I may have the opportunity to clarify my request.

If for any reason a portion of my request is denied, please provide an explanation as required by Chancellor's Regulation D-110, § IV(G) and (L).

Sincerely,



Adam S. Ross, Esq.  
Special Counsel  
United Federation of Teachers



# APPENDIX K

## LABOR CONDITION APPLICATIONS BY STATE 2002-2007

State	Six Year Total LCA pplications	State	Six Year Total LCA Applications
Alabama	121	Nebraska	119
Alaska	92	Nevada	63
Arizona	1622	New Hampshire	212
Arkansas	138	New Jersey	7332
California	12789	New Mexico	374
Colorado	751	New York	15362
Connecticut	1821	North Carolina	1556
Delaware	178	North Dakota	35
District of Columbia	1174	Ohio	1568
Florida	3969	Oklahoma	247
Georgia	8071	Oregon	239
Guam	141	Pennsylvania	1840
Hawaii	155	Puerto Rico	47
Idaho	19	Rhode Island	207
Illinois	2209	South Carolina	797
Indiana	207	South Dakota	31
Iowa	68	Tennessee	272
Kansas	215	Texas	34883
Kentucky	414	Utah	170
Louisiana	712	Vermont	124
Maine	95	Virgin Islands	156
Maryland	5597	Virginia	1568
Massachusetts	1852	Washington	851
Michigan	608	West Virginia	24
Minnesota	494	Wisconsin	255
Mississippi	202	Wyoming	12
Missouri	278		
Montana	37	<b>Totals</b>	<b>112373</b>



